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Attorneys for Plaintiff John Lee Malaer

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

JOHN LEE MALAER,

Plaintiff,

vs.

GEOFFREY KIRKPATRICK, an individual;
MICHAEL WULFF, an individual; OMAR
ESQUEDA, an individual; ASHLEY MCFALL,
an individual; CITY OF MEDFORD, a
government agency; JACKSON COUNTY, a
government agency; NATHAN SICKLER, in
his individual and official capacity; and BRIAN
KOLKEMO, an individual,

Defendants.

Case No. 1:20-cv-00049-CL

**JOINT STATUS REPORT BY ALL
PARTIES**

JOINT STATUS REPORT

Pursuant to this Court's oral ruling of September 27, 2022, and order of September 28, 2022, ECF 141, the Court allowed Plaintiff's amended complaint and re-opened discovery for 90 days, to be completed by the end of the year. The parties conferred and provide the following joint status report.

A. Discovery Timeline

The parties conferred and agreed to the following schedule:

October 19, 2022	Defendants to provide Plaintiff's counsel with complete copies of all written discovery and documents and materials already produced and exchanged to date
October 14, 2022	All Parties to serve new sets of written discovery requests.
October 28, 2022	All Parties to serve responses and objections to written discovery requests. Production of documents and materials in response to written discovery requests shall begin October 28, 2022 and continue on a rolling basis until complete. The Parties agreed they would endeavor in good faith to produce documents and materials as expeditiously as practical, to make rolling productions as documents become available, and to endeavor to produce all responsive documents and materials in advance of depositions.
November 14, 2022	Plaintiff's deposition, to be taken jointly by City and County Defendants
November 15-16, 2022	County Defendant depositions, specific deponents to be determined (tentative date contingent on deponent availability)

November 17-18, 2022	City Defendant depositions, specific deponents to be determined (tentative date contingent on deponent availability)
November 28 – December 2, 2022	City and County Defendant depositions and third party depositions, specific deponents to be determined (tentative date contingent upon deponent availability)
December 2022	Third party depositions and any remaining City and County Defendant depositions, to be scheduled as needed (contingent upon deponent availability)
December 30, 2022	Close of discovery
February 28, 2023	Deadline to file dispositive motions and new motions for summary judgment.

B. Protective Order

The Parties agreed to draft and enter a protective order, including a provision of Attorneys Eyes Only designations on some documents. The Parties agreed that information in documents designated AEO simply because of third party information (home addresses, cell phone numbers, etc.) could be redacted and the redacted version then shared with clients and used in public filings.

C. Publicity

The Parties discussed recent media publicity around the case. None of the parties wants to try the case in the media instead of through the Court system. Plaintiff's counsel represented that the information contained in the media publicity appeared to come from

court filings and public testimony in other matters. The parties agree that a specific Court order regarding media publicity is not necessary at this time.

DATED: October __7, 2022

/s/ Alicia LeDuc Montgomery

Alicia LeDuc Montgomery, OSB 173963

LeDuc Montgomery LLC

2210 W Main Street, Suite 107 #328

Battle Ground, WA 98604

Of Attorneys for Plaintiff John Lee Malaer

DATED: October __7, 2022

/s/ Eric C. Mitton

Eric C. Mitton, OSB 065925

City of Medford

411 W. 8th Street

Medford, OR 97501

Of Attorneys for Defendants City of
Medford, Kirkpatrick, Esqueda, Wulff, and
McFall

DATED: October __7, 2022

/s/ Johan Pietila

Johan Pietila, OSB 151373

Jackson County Counsel

10 S. Oakdale Avenue Rm 214

Medford, OR 97501

Of Attorneys for Defendants Jackson
County, Nathan Sickler, and Brian Kolkemo

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